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EXAMINER

MILEF, ELDA G

ART UNIT

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No. 09/734,988	Applicant(s) RESNICK ET AL.	
Examiner Elda Milef	Art Unit 3692	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 11/3/2008.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 35-49 and 51-65 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 35-49 and 51-65 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) Notice of Informal Patent Application
- 6) Other: _____.

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DETAILED ACTION

Status of the Claims

1. This final office action dated 9/2/2008 is withdrawn and replaced with the following office action.

- Claims 1-34, 50 are cancelled.
- Claims 40, 49 are amended.
- Claims 35-49, 51-65 are pending in the application.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 40-49, 51-55 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

A claimed process is eligible for patent protection under 35 U.S.C. § 101 if:

"(1) it is tied to a particular machine or apparatus, or (2) it transforms a particular article into a different state or thing. See Benson, 409 U.S. at 70 ('Transformation and reduction of an article 'to a different state or thing' is the clue to the patentability of a process claim that does not include particular machines. '); Diehr, 450 U.S. at 192 (holding that use of mathematical formula in process 'transforming or reducing an article to a different state or thing' constitutes patent-eligible subject matter); see also Flook, 437 U.S. at 589 n.9 ('An argument can be made [that the Supreme] Court has only recognized a process as within the statutory definition when it either was tied to a particular apparatus or operated to change materials to a 'different state or thing' '); Cochrane v. Deener, 94 U.S. 780, 788 (1876) ('A process is...an act, or a series of acts, performed upon the subject-

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matter to be transformed and reduced to a different state or thing.').⁷ A claimed process involving a fundamental principle that uses a particular machine or apparatus would not pre-empt uses of the principle that do not also use the specified machine or apparatus in the manner claimed. And a claimed process that transforms a particular article to a specified different state or thing by applying a fundamental principle would not pre-empt the use of the principle to transform any other article, to transform the same article but in a manner not covered by the claim, or to do anything other than transform the specified article.” (*In re Bilski*, 88 USPQ2d 1385, 1391 (Fed. Cir. 2008))

Also noted in *Bilski* is the statement, “Process claim that recites fundamental principle, and that otherwise fails ‘machine-or-transformation’ test for whether such claim is drawn to patentable subject matter under 35 U.S.C. §101, is not rendered patent eligible by mere field-of-use limitations; another corollary to machine-or-transformation test is that recitation of specific machine or particular transformation of specific article does not transform unpatentable principle into patentable process if recited machine or transformation constitutes mere ‘insignificant post-solution activity.’” (*In re Bilski*, 88 USPQ2d 1385, 1385 (Fed. Cir. 2008)) Examples of insignificant post-solution activity include data gathering and outputting. Furthermore, the machine or transformation must impose meaningful limits on the scope of the method claims in order to pass the machine-or-transformation test. Please refer to the USPTO’s “Guidance for Examining Process Claims in view of *In re Bilski*” memorandum dated January 7, 2009, http://www.uspto.gov/web/offices/pac/dapp/opla/documents/bilski_guidance_memo.pdf.

It is also noted that the mere recitation of a machine in the preamble in a manner such that the machine fails to patentably limit the scope of the claim does not make the claim statutory under 35 U.S.C. § 101, as seen in the Board of Patent Appeals Informative Opinion *Ex parte Langemyr et al.* (Appeal 2008-1495), <http://www.uspto.gov/web/offices/dcom/bpai/its/fd081495.pdf> .

Claims 40-49, 51-55 are not tied to a particular machine or apparatus nor do they transform a particular article into a different state or thing, thereby failing the machine-or-transformation test; therefore, claims 40-49, 51-55 are non-statutory under § 101.

Appropriate correction is required.

Specification

4. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: Regarding claim 40, the applicant claims associating an account identifier that represents an end-user's prepaid account maintained by a telecommunications provider with an intermediary account number. There is lack of antecedent basis for an account identifier that represents an end-user's prepaid account.

The specification discloses:

a user's account identifier which refers to the intermediary account which is maintained on the pre-payment processor on pg. 7 lines 29-30;

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an intermediary account number on p. 8 line 2;

associating the intermediary account (card number) with an end-user account that is maintained by a payment customer such as a wireless carrier prepaid platform 112. on pg. 10 lines 9-12;

an end-user account number, p. 10 lines 14-21;

an end-user account number based on the payment account number, p. 12;

an end-user account number (e.g. a cell phone number), p. 12 .

There is no antecedent for "an account identifier that represents an end-user's prepaid account." Furthermore, there is no antecedent for the end-user's prepaid account.

While an applicant is not limited to the nomenclature used in the application as filed, he or she should make appropriate amendment of the specification whenever this nomenclature is departed from by amendment of the claims so as to have clear support or antecedent basis in the specification for the new terms appearing in the claims. This is necessary in order to insure certainty in construing the claims in the light of the specification, Ex parte Kotler, 1901 C.D. 62, 95 O.G. 2684 (Comm'r Pat. 1901). See 37 CFR 1.75, MPEP § 608.01(i) and § 1302.01.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which

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it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 35-39, 57-58, 48, 49, 51-56 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Re claim 35: The Examiner could not find support in the specification for the limitation; “wherein the intermediary account number is different from the end-user account number.”

Page 7 line 28 to p. 8 line 1 of the specification refers to different accounts but does not refer to different numbers.

Claims 36-39, 49, 51-58 are rejected because of their dependency to the rejected claims.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 40-42, 59-61, 63-64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dorf (U.S. Patent No. 6,000,608)

Re claims 40, 41: Dorf discloses:

associating an account identifier that represents an end-user's prepaid account maintained by a telecommunications provider with an intermediary account number; storing the association in a database coupled to a central payment processor, wherein the association includes information that allows the central payment processor to identify the end-user's prepaid account when presented with the account identifier. Dorf discloses transaction data being received at the processing hub 103 which recognizes the identification number of the card [end user account number], after verification of the information, the processing hub 103 forwards the card identification number [end user account number], retail store, and POS device information to the issuer hub 104 maintained by the prepaid phone card issuer. The issuer hub 104 receives the data and activates the record in the phone card database 204 having the same identification number as the card 101. (It is obvious that the record in the database at the issuer hub 104 is an intermediary account.) The value field in the record is then increased by the appropriate purchased amount. The issuer hub 104 then returns an authorization number to the originating POS device 105. Each activation or recharge transaction is recorded by the system 108...Transfer of funds between these parties may then take place by any commercially acceptable means. —see col. 7 lines 1-32; Figs. 1 and 2; cols.5-7.

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facilitating a payment transaction between the end-user and a point-of-sale, the payment transaction including receiving a payment from the end-user at the point-of-sale together with the account identifier -see col. 7 lines 2- 35; col. 8 lines 1-21; cols. 5-7;

electronically communicating transaction data including the account identifier from the point-of-sale to the central payment processor-see "processing hub"-fig.2 and related text;

validating the transaction data in the central payment processor, and transmitting a response to the point-of-sale-see col.8 lines 22-33; and

looking up the intermediary account number associated with the account identifier- see col. 7 lines15-22;

sending a message from the central payment processor to the telecommunication provider for loading value into the end-user's associated prepaid account responsive to the payment transaction if the validating step results in approval of the transaction, wherein the message to the telecommunications provider includes the account identifier.-see col. 7 lines 9-13, col. 8 line 50-col.9 line 10, col. 10 lines 61-64.

Re claim 42: Dorf discloses:

wherein said communicating step comprises communication between the point-of-sale and the central payment processor via a merchant hub.-see fig.2 "Retailer E".

Re claims 59-61: Dorf discloses:

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wherein receiving a payment from the end-user at the point of sale includes receiving the payment:

in the form of cash-see col.5;

as a debit card transaction-see cols. 5,7,8;

as a credit card transaction-see col.8 lines 3-6;

Re claim 63: Dorf discloses a brick-and-mortar retail merchant site.-see col. 5.

Re claim 64: Dorf discloses a system and method wherein the terminal located at the point-of-sale comprises an automated teller machine (ATM)-see col. 1;

5. Claims 35, 36, 38, 39, 48, 49, 52, 53, 57, 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dorf (U.S. Patent No. 6,000,608) in view of Hogan (US Patent No. 5,704,046).

Re claim 35: Dorf discloses:

a terminal located at a point-of-sale where monetary consideration is received from or on behalf of an end-user to pre-pay for selected goods or services, the terminal operable to exchange electronic messages with a financial network; ("The system 108 comprises a plurality of cards 101, a sponsor bank processor 102, and a processing hub 103, which serves as the nerve center of the system 108. If the system 108 is to provide prepaid phone cards, it will also include a prepaid phone card issuer hub 104 maintained by a prepaid phone card issuer. In order to achieve the desired functionality, the system 108 uses existing banking networks in a unique and novel way to gain access to virtually all existing retail point-of-sale (POS) devices 105. These

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devices 105 include stand-alone POS terminals, cash registers with POS interfacing, computers with POS interfacing, and other similar devices which can be used to access the banking system.”)-see col. 4 lines 19-32;

a payment processor in communication with the financial network (col. 4 lines 47-65) and including a database associating each of a plurality of intermediary account numbers with at least one corresponding end-user account number, (“Once the data is received...the processing hub 103 recognizes the identification number of the card as being associated with a particular prepaid phone card issuer. Next, a security check is performed to verify that this transaction is originating from a retailer that is authorized to sell the prepaid phone cards. If the transaction is originating from an authorized retailer, the transaction will proceed...The issuer hub 104 contains one or more phone card databases 204...When the issuer hub 104 receives the data from the processing hub103, it activates the record in the phone card database 204 having the same identification as the card 101 ...upon receipt of the transaction data, the hub 103 recognizes the card 101 as being an Electronic Gift Certificate card of the retail issuer and activates or recharged the card 101 In the appropriate amount in an EGC database205 maintained at the processing hub 103.”)-see col. 7 line 2-col. 8 line 2;

a crediting device in communication with the payment processor and being configured to credit an indicia of monetary value to an intermediary account number associated with the end-user account number in response to receiving a payment message from the point-of-sale terminal; and

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an interface device in communication with the payment processor and configured to communicate at least a recharge transaction message to an end-users account with a vendor corresponding to the intermediary account number.

(“Optionally, the Electronic Gift Certificate card 101 could also be recharged, the recipient of the card101 is allowed to make purchases using the card... If the card 101 is for use in many retail locations, it would instead be processed during purchase transactions as a typical debit card, preferably using the debit network107...the retail issuer or the cardholder must have an account with the sponsor bank...The sponsor bank then transfers the purchase amount...The transaction data is then forwarded to the processing hub 103 so that the EGC database 205 can be updated...-see col. 6 to col.9 line 10, col. 10 lines 62-64.

-Also, see cols. 4-6, Figs. 1 and 2 (crediting device and interface).

Dorf do not explicitly disclose wherein the intermediary account number is different from the end-user account number. Hogan however, teaches a commercial transaction system wherein a user uses a card device to interact with sales or transaction terminals to conduct cashless transactions. Hogan teaches (“the account number identifies the account associated with card 100 for billing purposes. The card number acts as a subaccount number identifying additional cards issued under the same account number. Thus, for example, a spouse may possess an associated financial card having the same account number but a different card number.”)-see col. 5 line 66 to col. 6 line 5. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Dorf to explicitly include the card

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number [intermediary account number] is different than the account number as taught by Hogan in order to provide a cost effective, secure, and efficient system whereby a card user can conduct transactions of relatively small values without using cash.

Re claim 36: Dorf discloses a system and method:

wherein the terminal located at the point-of-sale comprises an automated teller machine (ATM)-see col. 1;

Re claims 38 and 39: Dorf discloses wherein the financial network comprises a card association network, and the acquiring processor configured to communicate messages between the financial network and a plurality of the terminals.-see col. 1 lines 19-23, col. 4 lines 47-67.

Re claim 48: Dorf discloses a method for effecting payment for goods and services-see cols. 7-9, further the remaining limitations are similar to those in claims 35 and 40 and are rejected using the same art and rationale. Dorf does not specifically disclose that the transaction data includes the end-user account identifier. Hogan however, teaches the transmission of transaction information including the account number as well as the card number from the point of sale to the financial services company to the issuer computer. -see col. 6 lines 49-64 and Fig. 3. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Dorf to specifically include the transmission of account data as taught by Hogan in order to provide a cost-effective and efficient system whereby a card user can conduct transactions without using cash.

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Re claim 49: Dorf disclose issuing a card to the end-user that includes identification of the end-user's intermediary account. -see col. 7 lines 2-20.

Re claims 52, 53, 57: Dorf discloses wherein the end-user's account identifier has an account number corresponding to a valid credit card account number and can be presented by the end-user to purchase goods and services.-see col. 4 lines 36-67 and col. 1.

Re claim 58: Dorf discloses wherein the end-user's account has an account number corresponding to a valid credit card account number to facilitate electronic messaging over existing credit card association networks.-see col. 4.

6. Claims 43, 45-47, 62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dorf in view of Muehlberger (U.S. Patent No. 5,696,908).

Re claims 43, 45, 47 : Dorf discloses a system and method designating an intermediary bank account and collecting an amount of money equal to the payment amount, subject to adjustment, from the point-of-sale merchant's bank account into the intermediary bank account.–see fig. 2 and col. 6 lines 32-51. Dorf does not specifically disclose electronic funds transfer and wherein said collecting step is effecting via the ACH. Muehlberger however, teaches using electronic funds transfer and ACH in col. 3 lines 21-24. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Dorf to include electronic funds transfer as taught by Muehlberger in order to for the customer to be able to use the telephone card immediately.

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Re claim 46: Dorf discloses wherein the telecommunications vendor is a prepaid platform operator. –see col. 5 lines 19-20.

Re claim 62: Although Dorf discloses a system and method, (“In order to achieve the desired functionality, the system 108 uses existing banking networks in a unique and novel way to gain access to virtually all existing retail point-of-sale (POS) devices 105...”)-see col. 4 lines 25-35, Dorf does not specifically disclose wherein the point-of-sale terminal comprises a vending machine. Muehlberger however, teaches (“Telephone debit cards are automatically vended through a microprocessor controlled vending machine –see Abstract, and col.3. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Dorf to include that the point-of-sale terminal be a vending machine as taught by Muehlberger in order to provide the customer with convenience of purchasing a pre-paid card at multiple locations.

7. Claims 37, 54, 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dorf in view of Hogan as applied to claim 35 above, further in view of Muehlberger (U.S. Patent No. 5,696,908).

Re claim 37: Although Dorf discloses a system and method, (“In order to achieve the desired functionality, the system 108 uses existing banking networks in a unique and novel way to gain access to [virtually all existing retail point-of-sale (POS) devices 105...”)-see col. 4 lines 25-35, Dorf does not specifically disclose wherein the point-of-sale terminal comprises a vending machine. Muehlberger however, teaches

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("Telephone debit cards are automatically vended through a microprocessor controlled vending machine –see Abstract, and col.3 It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Dorf and Hogan to include that the point-of-sale terminal be a vending machine as taught by Muehlberger in order to provide the customer with convenience of purchasing a pre-paid card at multiple locations.

Re claims 54, 55: Dorf discloses a system and method designating an intermediary bank account and collecting an amount of money equal to the payment amount, subject to adjustment, from the point-of-sale merchant's bank account into the intermediary bank account.–see fig. 2 and col. 6 lines 32-51. Dorf and Hogan do not specifically disclose electronic funds transfer and wherein said collecting step is effecting via the ACH. Muehlberger however, teaches using electronic funds transfer and ACH in col. 3 lines 21-24. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Dorf and Hogan to include electronic funds transfer as taught by Muehlberger in order to for the customer to be able to use the telephone card immediately.

8. Claim 44 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dorf in view of Muehlberger as applied to claim 43 above further in view of Risafi (US Patent No. 6,473,500).

Re claim 44: Dorf and Muehlberger do not specifically disclose said collecting step is carried out in a batch mode on a daily basis. Risafi however, teaches ("In addition to activating a card using these two methods, other functions can be performed

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on either an individual or a batch basis. The PIN can be changed, the card account can be reloaded, either by the card user or on the card user's behalf, purchases can be made, and the account can be closed.")-see col. 9 lines 19-23, col. 12 lines 52-67, col. 14 lines 31-67. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Dorf and Muehlberger to include batch processing as was done by Risafi in order to process many cards at a time.

9. Claim 51 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dorf in view of Hogan as applied to claim 48 in further view of Carson (U.S. Patent No. 6,028,920).

Re claim 51: Although Dorf discloses ("The multifunction card system further comprises at least one phone card having a unique identification number encoded on it...")-see col. 3 lines 28-41, Dorf and Hogan do not specifically disclose the account is a cellular phone account. Carson however, teaches a pre-paid phone card system wherein the telephone service provider associated with the pre-paid telephone card is a wireless telephone service provider. -see col. 16 lines 40-49. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Dorf and Hogan to include a pre-paid telephone card to be used with wireless phone service as taught by Carson in order to provide the customer with a means of pre-paying for wireless telephone service.

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10. Claim 65 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dorf in view of Risafi (US Patent No. 6,473,500).

Re claim 65: Dorf does not specifically disclose electronically communicating data includes interaction with an IVR system via telecommunications. Risafi however, discloses a pre-paid card system and method using voice recognition.-see col.7 lines 3-8. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Dorf to include a voice recognition system in order to connect to a network.

11. Claim 56 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dorf in view of Hogan as applied to claim 48, further in view of Risafi (US Patent No. 6,473,500).

Re claim 56: Although Dorf discloses the user presents the credit card account number in order to purchase goods or services by first making a payment in person at a point of sale to load into the corresponding intermediate account-see col. 4 lines 47-67, Dorf and Hogan do not specifically disclose purchasing via the Internet. Risafi however, teaches ("Another use for the invention is in electronic commerce as making purchases via the Internet.")-see col. 19 lines 66-67. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Dorf and Hogan to include the using the pre-paid card to make purchases via the Internet as taught by Risafi in order to provide the user with the purchasing convenience provided by the Internet.

Response to Arguments

12. Applicant's arguments filed 11/3/2008 have been fully considered but they are not persuasive.

In response to the applicant's argument concerning the 112 1st para. rejection of claim 35. There is no support indicating that the account numbers are different.

Applicant's arguments with respect to claim 40 have been considered but are moot in view of the new ground(s) of rejection.

Re claim 41: In response to applicant's argument that Dorf fails to teach electronic communication, the applicant's attention is directed to col. 6 lines 52-63.

In response to the applicant's argument suggesting that none of the references disclose "an intermediary account number." The applicant defines "an intermediary account" as a card number on page 10 line 11 of the specification. Regarding the applicant's suggestion that none of the prior art cited by the examiner disclose an intermediary account, the applicant's attention is directed to col. 7 to col. 8 and figs. 1 and 2, wherein Dorf discloses various methods of transferring data from a retailer to a processing hub to an issuer hub. Each step relating an identification number on a card or an account number to another end user account number. For example col. 7 lines 1-32 discloses transaction data being received at the processing hub 103 which recognizes the identification number of the card (end user account number), after verification of the information, the processing hub 103 forwards the card identification number (end user account number), retail store, and POS device information to the issuer hub 104 maintained by the prepaid phone card issuer. The issuer hub 104

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receives the data and activates the record in the phone card database 204 having the same identification number as the card 101 (intermediary account number). The value field in the record is then increased by the appropriate purchased amount... The issuer hub 104 then returns an authorization number to the originating POS device 105...Each activation or recharge transaction is recorded by the system 108...Transfer of funds between these parties may then take place by any commercially acceptable means.

Dorf further discloses an electronic gift certificate card in col. 7 lines 35-67 wherein when an activation transaction takes place, the bank would transfer the activation amount from a general account to an account corresponding to the card. Another example can be found in col. 8 lines 62-65 wherein Dorf discloses "When the card 101 is used to make a long distance call, the phone card issuer hub 104 instructs the processing hub 103 to seize the record corresponding to the card 101 in the EGC database 205."

In response to applicant's argument that prior art reference(s) teach away from examiner's interpretation, examiner asserts disclosed examples and preferred embodiments do not constitute a teaching away from a broader disclosure or non-preferred embodiments. In re Susi, 169 USPQ 423, 426 (CCPA 1971). Furthermore, knowledge in the art may have advanced such that results considered incredible at one time are no longer per se incredible. Ex parte Rubin, 5 USPQ2d 1461, 1462 (BdPatApp&Int 1987).

Dorf discloses an intermediary account number in col. 7 lines 1-32. Dorf teaches transaction data being received at the processing hub 103 which recognizes the

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identification number of the card (end user account number), after verification of the information, the processing hub 103 forwards the card identification number (end user account number), retail store, and POS device information to the issuer hub 104 maintained by the prepaid phone card issuer. The issuer hub 104 receives the data and activates the record in the phone card database 204 having the same identification number as the card 101 (intermediary account number). The value field in the record is then increased by the appropriate purchased amount... The issuer hub 104 then returns an authorization number to the originating POS device 105...Each activation or recharge transaction is recorded by the system 108...Transfer of funds between these parties may then take place by any commercially acceptable means.

Conclusion

13. The prior art made of record and not relied upon, is considered pertinent to applicant's disclosure.

US Patent No. 5,649,118 (Carlisle et al.)-cited for its reference to smart card with multiple charge accounts.

US Patent No. 6,047,267(Owens) –cited for its reference to relational databases
Method and apparatus for tracking multiple payment resources and charging transactions to payment resources in on line transaction processing system

US Patent No. Re. 36, 365 (Levine et al.) cited for pre-paid card having card number including a bank identification number (BIN).

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Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elda Milef whose telephone number is (571)272-8124. The examiner can normally be reached on Monday -Friday 9:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Abdi can be reached on (571)272-6702. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kambiz Abdi/
Supervisory Patent Examiner, Art Unit 3692

Elda Milef
Examiner
Art Unit 3692